

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

In re: Valsartan Products Liability Litigation	MDL No. 2875
This document relates to:	Honorable Robert B. Kugler, District Court Judge
Case No: 2019 -CV- 2875	
Plaintiff 1: Therese Fougere	Honorable Joel Schneider, Magistrate Judge
Plaintiff 2:	
Plaintiff 3:	
Plaintiff 4:	

SHORT FORM COMPLAINT

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint and Jury Demand in In re: Valsartan Products Liability Litigation*, MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, and 13 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

I. IDENTIFICATION OF PLAINTIFF(S)

1. Name of individual who alleges injury due to use of a valsartan-containing drug:

Therese Fougere

Plaintiff 1:

Plaintiff 2:

Plaintiff 3:

Plaintiff 4:

2. This claim is being brought on behalf of

☒ Myself

☐ Someone else

- a. If I checked, "someone else", this claim is being brought on behalf of:

-
- b. My relationship to the person in 2(a) is:

3. **Consortium Claim(s): The following individual(s) allege damages for loss of consortium:**

Rony Fougere

4. **County and state of residence of Plaintiff or place of death of Decedent:**

County: United States

State: LA

5. **If a survival and/or wrongful death claim is asserted:**

- a. **Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):**

Name of the Individual(s)	Status

II. IDENTIFICATION OF DEFENDANTS

6. Plaintiff(s) bring claims against the following Defendants:

*(*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)*

i. API Manufacturers

	Defendant Role	Defendant Name	HQ States
<input checked="" type="checkbox"/>	API Manufacturer	Aurobindo Pharma, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer Parent Corporation	Hetero Drugs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Hetero Labs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Mylan Laboratories Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer Parent Corporation	Mylan N.V.	Foreign
<input type="checkbox"/>	API Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	John Doe	N/A

ii. Finished Dose Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Finished Dose Manufacturer	Arrow Pharm (Malta) Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Aurolife Pharma, LLC	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	Hetero Labs, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Mylan Pharmaceuticals Inc.	WV
<input type="checkbox"/>	Finished Dose Manufacturer	Teva Pharmaceutical Industries, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Torrent Pharmaceuticals, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	John Doe	N/A

iii. Repackagers, Labelers, and Distributors

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Labeler/ Distributor	Aceteris, LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Actavis, LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Actavis Pharma, Inc.	NJ
<input type="checkbox"/>	Repackager	A-S Medication Solutions, LLC	NE
<input checked="" type="checkbox"/>	Finished Product Distributor	Aurobindo Pharma USA, Inc.	NJ
<input type="checkbox"/>	Repackager	AvKARE, Inc.	TN
<input type="checkbox"/>	Repackager	Bryant Ranch Prepack, Inc.	PA
<input type="checkbox"/>	Labeler/Distributor	Camber Pharmaceuticals, Inc.	NJ
<input type="checkbox"/>	Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals	Cardinal Health, Inc.	OH
<input type="checkbox"/>	Repackager	The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals	MI
<input type="checkbox"/>	Repackager	H J Harkins Co., Inc.	CA
<input type="checkbox"/>	API Distributor	Huahai U.S. Inc.	NJ
<input type="checkbox"/>	Repackager	Northwind Pharmaceuticals	IN
<input type="checkbox"/>	Repackager	NuCare Pharmaceuticals, Inc.	CA
<input type="checkbox"/>	Repackager	Preferred Pharmaceuticals, Inc.	CA
<input type="checkbox"/>	Repackager	RemedyRepack, Inc.	PA
<input checked="" type="checkbox"/>	Finished Dose Distributor	Solco Healthcare U.S., LLC	NJ
<input type="checkbox"/>	Finished Dose Distributor	Teva Pharmaceuticals USA, Inc.	PA
<input type="checkbox"/>	Finished Dose Distributor	Torrent Pharma, Inc.	NJ
<input type="checkbox"/>	Labeler/Distributor/Repackager	John Doe	N/A

iv. Wholesaler Defendants

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Wholesaler	AmerisourceBergen Corporation	PA
<input type="checkbox"/>	Wholesaler	Cardinal Health, Inc.	OH
<input type="checkbox"/>	Wholesaler	McKesson Corporation	TX
<input type="checkbox"/>	Wholesaler	John Doe	N/A

v. Pharmacies

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Pharmacy	Albertsons Companies, LLC	ID
<input type="checkbox"/>	Parent Corporation for Express Scripts, Inc. and Express Scripts Holding Co.	Cigna Corporation	CT
<input checked="" type="checkbox"/>	Pharmacy	CVS Health	RI
<input type="checkbox"/>	Parent Corporation for Express Scripts, Inc.	Express Scripts Holding Company	MO
<input type="checkbox"/>	Pharmacy	Express Scripts, Inc.	MO
<input type="checkbox"/>	Parent Corporation for Humana Pharmacy, Inc.	Humana, Inc.	KY
<input type="checkbox"/>	Pharmacy	Humana Pharmacy, Inc.	KY
<input type="checkbox"/>	Pharmacy	The Kroger Co.	OH
<input type="checkbox"/>	Pharmacy	OptumRx	CA
<input type="checkbox"/>	Parent Corporation for OptumRx	Optum, Inc.	MN
<input type="checkbox"/>	Pharmacy	Rite Aid Corp.	PA
<input type="checkbox"/>	Parent Corporation for OptumRx and Optum, Inc.	UnitedHealth Group	MN
<input type="checkbox"/>	Pharmacy	Walgreens Boots Alliance	IL
<input type="checkbox"/>	Pharmacy	Wal-Mart, Inc.	AR
<input type="checkbox"/>	Pharmacy	John Doe	N/A

vi. FDA Liaisons

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	FDA Liaison	Hetero USA, Inc.	NJ
<input type="checkbox"/>	FDA Liaison	Princeton Pharmaceutical Inc.	NJ
<input type="checkbox"/>	FDA Liaison	John Doe	N/A

III. JURISDICTION AND VENUE

7. Jurisdiction is based on:

- ☒ Diversity of Citizenship
☐ Other as set forth below:

8. Venue: District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing

Order entered by this Court: _____ District of NJ _____

IV. PLAINTIFF'S INJURIES

9. Injuries: Plaintiff was diagnosed with the following type of cancer:

<input checked="" type="checkbox"/>	Liver	<input checked="" type="checkbox"/>	Kidney
<input checked="" type="checkbox"/>	Stomach	<input type="checkbox"/>	Colorectal
<input checked="" type="checkbox"/>	Pancreatic	<input checked="" type="checkbox"/>	Esophageal
<input checked="" type="checkbox"/>	Small Intestine	<input checked="" type="checkbox"/>	Other: any and all damages as will be shown and proven at trial,

CAUSES OF ACTION

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

- ☒ Count I: Strict Liability – Manufacturing Defect
- ☒ Count II: Strict Liability – Failure to Warn
- ☒ Count III: Strict Liability – Design Defect
- ☒ Count IV: Negligence
- ☐ Count V: Negligence Per Se
- ☒ Count VI: Breach of Express Warranty
- ☒ Count VII: Breach of Implied Warranty
- ☒ Count VIII: Fraud
- ☐ Count IX: Negligent Misrepresentation
- ☒ Count X: Breach of Consumer Protection Statutes of the state(s) of:

Louisiana
- ☐ Count XI: Wrongful Death
- ☐ Count XII: Survival Action
- ☒ Count XIII: Loss of Consortium
- ☒ Count XIV: Punitive Damages
- ☒ Other State Law Causes of Action as Follows:

12. **Fraud Count:** Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here:

Placing defective products into the stream of commerce which was foreseeable that imminent injury and risk of grave harm was certain to occur

13. **Express Warranty Count:** Plaintiff adopts, incorporates, and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Express Warranty Count must be set forth here:

Failure or breach of manufacture's express warranty, inadequate design defect, inadequate warning defect, inadequate construction or composition defect.

14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

Defendant	Grounds
ABC Third Parties	negligently or intentionally may have participated in any scheme to cause damage, defraud, or add to the losses suffered or injuries sustained of petitioner directly or indirectly
ABC insurance Carriers	whose true identity is not presently known to petitioner, but, upon information and belief is a foreign or domestic insurance carrier authorized to do business in the State of Louisiana

Defendant	Grounds

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

01/28/2020

Date

Pius A. Obioha

/s/

Obioha, Pius A

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